

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 9, 2008

DIVISION ONE

B206231 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 R.C.

The judgment is affirmed.

Rothschild, J.

We concur: Mallano, P.J.
 Weisberg, J. (Assigned)

B197513 Ernest Kettering (Certified for Publication)
 v.
 Los Angeles Unified School District

The judgment is affirmed. The District is entitled to its costs on appeal.

Hastings, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B204864 Los Angeles County, D.C F.S.
 v.
 Shannaya B.

Filed order modifying opinion. (No change in the judgment)

DIVISION THREE

B201968 Dewey (Not for Publication)

v.
Kim et al.

The judgment of dismissal is affirmed. Respondents shall recover their costs on appeal.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B202361 HICA Education Loan Corporation (Not for Publication)

v.
Kosmides

The order refusing to vacate the default and default judgment is affirmed. HICA shall recover its costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B202554 Adams (Not for Publication)

v.
Los Angeles Unified School District

The order granting summary judgment is affirmed. The District shall recover costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FIVE

B202500 People (Not for Publication)

V.
Martell Thomas

The judgment is modified to reflect the award of presentence custody credits of 559 days. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Mosk, J.
Kriegler, J.

B207416 Los Angeles County, D.C.F.S. (Not for Publication)

V.
S.W.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

B206300 People (Not for Publication)

V.
N.S.

The appeal is dismissed as abandoned.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

DIVISION FIVE (continued)

B202618 My Pyo Lee et al. (Not for Publication)
 v.
 Hamp LLC

The judgment is affirmed. Costs are awarded to Hamp on appeal.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

B200704 Lilavati Sharma (Not for Publication)
 v.
 A. Michael Pardue

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J.

We concur: Armstrong, Acting P.J.
 Mosk, J.

B202560 Belinda Padilla (Not for Publication)
 v.
 The Sports Club Company

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (continued)

B207245 Laurie Lyng (Not for Publication)

V.

Brendan Vacations, Inc., et al.

The judgment is affirmed. Plaintiff, Laurie Lyng, shall recover her costs incurred on appeal from defendants, Brendan Vacations Inc., and TravCorp USA, Inc.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

B205980 M.A.G Capital, LLC, et al., (Not for Publication)

V.

Genethera, Inc., et al.

The MAG Parties are to recover their costs on appeal.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

B203002 Raj D. Roy (Not for Publication)

V.

Lolita Resari

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

DIVISION FIVE (continued)

B207947 In re J.M.
Los Angeles County, D.C.F.S. (Not for Publication)
v.
James M.

The appeal is dismissed.

Kriegler, J.

We concur: Turner, P.J.
Mosk, J.

B203637 People (Not for Publication)
v.
Victor Poitier

The restitution fine imposed pursuant to section 1202.4, subdivision (b) is reduced to \$200. The parole revocation fine imposed pursuant to section 1202.45 is reduced to \$200. The trial court is to insure that a corrected abstract of judgment is delivered in a timely fashion to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Kriegler, J.

We concur: Armstrong, Acting P.J.
Mosk, J.

DIVISION FIVE (continued)

B202015 People (Not for Publication)
v.
Aubrey Brown

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Mosk, J.

B201361 People (Not for Publication)
v.
Julian Raoul Martinez, et al.

The abstract of judgment against defendants Martinez and Palma are ordered modified to expressly provide that both defendants are jointly and severally liable for the direct victim restitution. The judgments as modified are affirmed. The trial court is directed to amend the abstracts of judgment to reflect these modification and forward certified copies of the amended abstracts to the Department of Corrections and Rehabilitation.

Kriegler, J.

We concur: Turner, P.J.
 Mosk, J.

DIVISION FIVE (continued)

B205027 John Grigsby (Certified for Publication)

v.

Richard Felder

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

B208194 People (Not for Publication)

v.

Lisinio Castellanos

The appeal is dismissed.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

DIVISION SIX

B207515 Santa Barbara County Child Welfare Services (Not for Publication)

v.

G.P.

Filed order of dismissal.

Gilbert, P.J.

We concur: Coffee, J.
 Perren, J.

DIVISION SIX (continued)

B205359 People (Not for Publication)
v.
Boyd

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

[illegible]

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B205158 In re R.L.
Human Resources Agency (Not for Publication)
v.
C.L.

The orders denying the modification petition and terminating parental rights are affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SIX (continued)

B188797 People (Not for Publication)
v.
Pacheco et al.

The judgment is reversed only as to the sentence and in all other respects is affirmed. The matter is remanded to the trial court for resentencing in accordance with the views expressed in this opinion. In resentencing appellants, the trial court shall: (1) as to Villegas, strike the gang enhancements (Section 186.22, subds. (b)(1)(C) & (b)(4)(B)) on counts 1 (attempted murder of Shoemaker), 3 (kidnapping to commit robbery), and 5 (carjacking); (2) as to Pacheco, strike the 10-year gang enhancement (Section 186.22, subd. (b)(1)(C)) imposed on count 3 and instead impose a minimum parole eligibility date of 15 calendar years (Section 186.22, subd. (b)(5)); (3) as to Villegas, impose a minimum parole eligibility date of 15 calendar years on count 2 (attempted murder of Yon) (Section 186.22, subd. (b)(5)); (4) as to all appellants, stay execution of the sentences imposed on count 5 (carjacking), including the 25-year-to-life enhancements imposed pursuant to section 12022.53, subdivisions (d) and (e)(1); (5) as to all appellants, stay execution of the sentences imposed on count 6 (discharging a firearm from a vehicle), including the 25-year-to-life enhancements imposed pursuant to section 12022.53, subdivisions (d) and (3)(1); (6) as to all appellants, stay execution of the 25-year-to-life enhancements, imposed pursuant to section 12022.53, subdivisions (d) and (e)(1), on count 3; (7) as to all appellants, grant presentence conduct credits pursuant to sections 2933.1 and 4019. The court is directed to prepare amended abstracts of judgment and to forward certified copies to the Department of Corrections.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

October 9, 2008 (Continued)

DIVISION SIX (continued)

B198364 Kalshan (Not for Publication)
v.
Pollak

The judgment is affirmed. Respondent shall recover costs.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

B200305 People (Not for Publication)
v.
Jimenez

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B202515 People (Not for Publication)
v.
Valles

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SIX (continued)

B204906 People (Not for Publication)
v.
Portilla

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

B206885 People (Not for Publication)
v.
Villalobos

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

[illegible]

The sentence is vacated and the matter is remanded for resentencing. In all other respects, the judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

DIVISION SIX (continued)

B202991 Watson et al. (Not for Publication)

v.
Kunda

The order correcting a clerical error and the resulting amended judgment filed on September 26, 2007, are affirmed. The Watsons shall recover their costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
 Perren, J.

B195452 People (Certified for Partial Publication)

v.
Briones

One of the 25-years-to-life terms for conspiracy is stricken. The other 25-years-to-life term for conspiracy is stayed. In all other respects, the judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
 Perren, J.

B198240 Vasquez
v.
National Metal & Steel Corp.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)